

AMENDED IN SENATE JUNE 24, 2008

AMENDED IN SENATE AUGUST 28, 2007

AMENDED IN SENATE JULY 11, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1107

Introduced by Assembly Member Arambula
(Coauthor: Senator Florez)

February 23, 2007

An act to amend Sections 15570 and 65072 of, and to add Section 15571 to, the Government Code, relating to transportation; An act to add and repeal Sections 1252.3 and 1279.1 of the Unemployment Insurance Code, relating to unemployment compensation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1107, as amended, Arambula. ~~Goods movement: small businesses and microenterprises.~~ *Unemployment compensation benefits: drought-related unemployment.*

Existing law provides that an individual is considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if, for any week of less than full-time work, the wages payable to the individual for that week, when reduced by \$25 or 25% of the wages payable, whichever is greater, do not equal or exceed the individual's

unemployment weekly benefit amount. Existing law provides for the calculation of unemployment benefits.

This bill would provide that an individual who has been laid off from his or her most recent work, or is unable to commence work at his or her regular or seasonal workplace, as a direct result of the drought conditions in June 2008, as specified, shall be considered “unemployed” for the purpose of eligibility for unemployment compensation benefits if the individual worked or was scheduled to commence work in a county specifically designated by the Governor as being in a state of emergency, as provided, and for any week of less than full-time work, the wages payable to the individual for that week, when reduced by \$200, do not equal or exceed the individual’s unemployment weekly benefit amount. This bill would require the payment of unemployment compensation to an individual under these circumstances in a weekly amount equal to his or her weekly benefit amount less the amount of wages in excess of \$200 payable for that week, with benefits subject to the regular one-week waiting period.

This bill would provide for the repeal of these provisions on December 31, 2008.

Existing law provides that unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated special fund. By expanding benefits payable from the fund, this bill would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires the Department of Transportation to prepare the California Transportation Plan, which contains policy, strategies, and recommendations elements. Existing law requires the Secretary of Labor and Workforce Development to lead the preparation of a biennial California Economic Development Strategic Plan with various elements relative to promoting economic development. Existing law requires \$2 billion of the funds made available pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, to be allocated by the California Transportation Commission for trade corridor improvement projects in consultation with the Goods Movement Action Plan prepared by the Business, Transportation and Housing Agency and the California Environmental Protection Agency.~~

~~This bill would require the California Small Business Board, within the Business, Transportation and Housing Agency, in support of the~~

preparation of the California Economic Development Strategic Plan and of the California Transportation Plan, and in collaboration with the Labor and Workforce Development Agency and the Department of Food and Agriculture, to perform an assessment of shipping needs and practices of small businesses and microenterprises, and to prepare a report to be submitted to the Governor and the Legislature by January 1, 2009, containing various assessments and recommendations in that regard. The bill would require updates to the California Transportation Plan to take into account these findings and recommendations. The bill would also require the Secretary of Labor and Workforce Development, in leading the preparation of the California Economic Development Strategic Plan, to consider incorporating in the plan those findings and recommendations, among others.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1252.3 is added to the Unemployment
2 Insurance Code, to read:
3 1252.3. (a) Notwithstanding Section 1252, an individual is
4 also “unemployed,” as determined by the director, if all of the
5 following conditions are satisfied:
6 (1) The individual has been laid off from his or her most recent
7 work, or is unable to commence work at his or her regular or
8 seasonal workplace, as a direct result of drought conditions that
9 occurred in this state beginning June 4, 2008, and continuing.
10 (2) The individual worked or was scheduled to commence work
11 in a county specifically designated by the Governor as being in a
12 state of emergency as a result of the drought conditions beginning
13 June 4, 2008, and continuing.
14 (3) The individual’s continuing unemployment is a direct result
15 of drought conditions.
16 (4) The wages payable to the individual for any week of less
17 than full-time work, when reduced by two hundred dollars (\$200),
18 do not equal or exceed the individual’s weekly benefit amount.
19 (5) The individual is otherwise eligible to receive benefits under
20 this part.
21 (b) This section shall become inoperative and shall be repealed
22 on December 31, 2008.

1 SEC. 2. Section 1279.1 is added to the Unemployment
2 Insurance Code, to read:

3 1279.1. (a) Notwithstanding Section 1279, an individual who
4 is unemployed for any week pursuant to Section 1252.3 shall be
5 paid with respect to that week an unemployment compensation
6 benefit in an amount equal to his or her weekly benefit amount
7 less the amount of wages in excess of two hundred dollars (\$200)
8 payable to him or her for work performed during that week.
9 Benefits shall be payable for weeks of unemployment after allowing
10 for the waiting period required by subdivision (d) of Section 1253.
11 The benefit payment, if not a multiple of one dollar (\$1), shall be
12 computed to the next higher multiple of one dollar (\$1).

13 (b) For the purposes of this section, "wages" includes any and
14 all compensation for personal services whether performed as an
15 employee, an independent contractor, or a juror or witness, but
16 does not include any payments, regardless of their designation,
17 made by a city in this state to an elected official of the city as an
18 incident to that public office, or any payment made to a member
19 of the National Guard or reserve component of the Armed Forces
20 for inactive duty training, annual training, or emergency state
21 active duty.

22 (c) This section shall become inoperative and shall be repealed
23 on December 31, 2008.

24 SEC. 3. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 Because workers of low and moderate income are in need of
29 financial support as soon as possible as a result of an unforeseen
30 natural disaster, it is necessary for this act to take effect
31 immediately.

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34 **All matter omitted in this version of the bill**
35 **appears in the bill as amended in the**
36 **Senate, August 28, 2007 (JR11)**
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